

**ENTERED**

August 29, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF	§	CRIMINAL ACTION NO.
AMERICA,	§	4:17-CR-00651-5
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
MARIA ANGELICA	§	
MORENO-REYNA,	§	
Defendant.	§	

**ORDER**

The motion by Defendant Maria Angelica Moreno-Reyna for credit for time served is denied. Dkt 525.

Moreno-Reyna filed her motion *pro se*. But she is represented by counsel. Dkts 232 & 559. The Government sponsors four reasons for denial, all of which are correct. Dkt 596 at 2–11.

*First*, a criminal defendant represented by counsel may not make *pro se* filings. *United States v Jones*, 842 Fed Appx 878, 883 (5th Cir 2021), citing *Myers v Johnson*, 76 F3d 1330, 1335 (5th Cir 1996).

*Second*, any challenge to a sentence not yet imposed isn't ripe. See *Sample v Morrison*, 406 F3d 310, 312 (5th Cir 2005).

*Third*, a writ of *habeas corpus* after exhaustion of remedies with the Bureau of Prisons is the appropriate mechanism by which to seek credit for time served. See *Pack v Yusuff*, 218 F3d 448, 451 (5th Cir 2000); *United States v Garcia-Gutierrez*, 835 F2d 585, 586 (5th Cir 1988).

*And fourth*, the claim brought by Moreno-Reyna is meritless. See *Schmitt v United States*, 2018 WL 4102517,

\*4 (SD Miss), citing, among other cases, *Harper v Showers*, 174 F3d 716, 719 (5th Cir 1999).

The motion is DENIED.

SO ORDERED.

Signed on August 29, 2022, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Ch R Eskridge". The signature is stylized with a large "Ch" and a prominent "R".

Hon. Charles Eskridge  
United States District Judge